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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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March 5, 2007

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Mr. Robert W. Goff
Director
Division of Radiological Health
Mississippi Department of Health
570 East Woodrow Wilson
Jackson, MS 39215-1700

Dear Mr. Goff:

Over the last two years, the Committee on Energy and Commerce has investigated certain public health issues identified by a federal judge in her opinion, In Re: Silica Products Liability Litigation, MDL Docket No. 1553 (S.D. Tex., June 30, 2005).

Both the Committee's investigation and the Court's opinion in In Re: Silica revealed information about how physicians and medical screening companies generated thousands of questionable diagnoses of silicosis in support of personal injury lawsuits. Often, the patients who received these diagnoses did not receive appropriate followup care. Further, some of the companies participating in the screenings were not licensed or registered in the state where the screenings were conducted.

When you testified on June 6, 2006 before the Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, you stated that as of that time, the Mississippi Department of Health had "conducted four investigations of companies with mobile x-ray units for conducting health screening without the Agency's approval." You explained that three of those companies had terminated their activities within Mississippi. In addition, you testified that the Mississippi Department of Health was implementing "certain procedural changes in the review of applications and issuing registrations for screening programs," as well as working to revise Section F of the Mississippi regulations with respect to "X-rays in the Healing Arts."

Accordingly, we write to learn what actions the Mississippi Department of Health or the Division of Radiological Health have taken since June 1, 2006 with respect to the revision of Mississippi statutes, regulations, or codes concerning the activities of screening companies and whether any reviews or actions have been initiated against screening companies operating in your State. Specifically, we seek to know:


1. Any changes or proposed changes made since June 1, 2006 to your State's statutes, regulations, or codes relating to healing arts screenings, or the medical, testing, or health practices or operations of a screening company, and any individuals working for or operating a screening company, including, but not limited to, those related to:
 - a. All necessary licenses, registrations, permits, or approvals;
 - b. Possible penalties for violating such statutes, regulations or codes;
 - c. The operation of mobile diagnostic imaging services or transportation of such diagnostic imaging equipment for screening purposes;
 - d. Any statutes, regulations or codes that apply specifically to out-of-state screening companies traveling to your State to conduct healing arts screenings;
 - e. With regard to screening companies with a principal place of business, license, or incorporation within your State, any statutes, regulations or codes that specifically apply to their conduct of healing arts screenings outside of your State.
2. Any written complaints, disciplinary proceedings, reviews or disciplinary action including, but not limited to, investigations, inquiries, specific correspondence to (not to include any general mailings from the Department of Health or the Division of Radiological Health), specific correspondence from, and Board decisions not to pursue disciplinary action, with regard to:
 - a. Heath Mason or N&M;
 - b. Charlie Foster or RTS;
 - c. Jeffery Guice or Occupational Diagnostics; or
 - d. David M. Miller or Inner Visions.

We would appreciate a written response by April 2, 2007.

Mr. Robert W. Goff
Page 3

If you have any questions, please contact Karen E. Christian, Minority Counsel for Oversight and Investigations, at (202) 225-3641.

Sincerely,

A handwritten signature in black ink that reads "Joe Barton". The signature is stylized with a large, sweeping initial "J" and a cursive "Barton".

Joe Barton
Ranking Member
Committee on Energy
and Commerce

A handwritten signature in black ink that reads "Ed Whitfield". The signature is cursive, with "Ed" written in a simple style and "Whitfield" in a more elaborate, flowing script.

Ed Whitfield
Ranking Member
Subcommittee on Oversight
and Investigations